

MAR 15 2007

FACSIMILE TRANSMITTAL FORM	Application Number	10/810958
	Confirmation Number	9828
	Filing Date	March 26, 2004
	First Named Inventor	Henderson, Christopher P.
	Examiner Name	Nihir B. Patel
Fax: 571-273-8300	Attorney Docket Number	59698US002
Total Number of Pages In This Submission: 3		
Date: March 15, 2007	Attorney for Applicant: Karl G. Hanson/smd	

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Amendment Transmittal	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Technology Center (Appeal Notice, Brief, Reply Brief)
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MAR 15 2007

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Customer Number

Patent
Case No.: 59698US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: HENDERSON, CHRISTOPHER P.

Application No.: 10/810958 Confirmation No.: 9828

Filed: March 26, 2004

Title: NON-ELASTOMERIC RESPIRATOR MASK THAT HAS DEFORMABLE CHEEK PORTIONS

RESPONSE FOLLOWING INTERVIEW

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

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March 15, 2007

Date



Susan M. Ducko

Signed by: Susan M. Ducko

Dear Sir:

On February 23, 2007, a personal interview was conducted between applicants' attorney, Karl G. Hanson and Examiner Nihir B. Patel.

At the interview, applicants' attorney indicated that he would amend the definition of "mask body" to further distinguish the present invention from U.S. Patent 4,960,121 to Nelson. Upon further review of this definition and the disclosure in Nelson, applicants' attorney has decided that there is no need to amend the definition of mask body to overcome the anticipation rejection under 35 USC § 102(b).

At the interview, it was the Examiner's position that Nelson's hard shell 12 could be considered to be a mask body and thus meet the limitations of element (a) of applicants' claimed invention. Regardless of whether the term "mask body" as presently defined can be appropriately read on the rigid insert of 12 of Nelson, applicants have noticed that they have further limitations in their respiratory mask body "element (a)" of claim 1 to distinguish over Nelson. Element (a)

MAR 15 2007

Application No.: 10/810958

Case No.: 59698US002

a force is exerted on the nose and chin portions." The hard shell 12 described in Nelson would not be able to provide for such rotational movement. Because Nelson's half-mask assembly has a hard shell 12, its mask body does not lack a rigid insert. Nelson's mask body also has an elastomeric face seal 14. As such, Nelson's mask body is not non-elastomeric. Finally, Nelson's mask body cannot be deformed to provide rotational movement of the cheek portions about an axis.

For these reasons, applicants' believe that the Section 102 rejection cannot be properly sustained under the present definition of mask body.

Applicants also believe that the outstanding obviousness rejection also cannot be sustained for the reasons presented in the Amendment mailed February 15, 2007.

To the extent necessary, applicants petition for an extension of time. Please charge the fee for such extension to Deposit Account No. 13-3723.

Respectfully submitted,

March 15, 2007

Date

By:


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